



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

aw

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/030,989 02/26/98 NAZARIAN R 28724/34520

021839 LM02/0731
BURNS DOANE SWECKER & MATHIS L L P
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

EXAMINER

ZIMMERMAN, B

ART UNIT	PAPER NUMBER
----------	--------------

2735

DATE MAILED:

07/31/00

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/030,989

Applicant(s)

Nazarian

Examiner

Brian Zimmerman

Group Art Unit

2735



☒ Responsive to communication(s) filed on Jun 9, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 16-22 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 16-22 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

EXAMINER'S RESPONSE

Status of Application.

1. In response to the applicant's amendment received on 6/9/00. The examiner has considered the new presentation of claims and applicant arguments in view of the disclosure and the present state of the prior art. And it is the examiner's position that claims 16-22 are unpatentable for the reasons set forth in this office action:

ART REJECTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 16-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dais (5524213) and Omori (5820414).

Dais shows a medical communication system which includes a bus and interface units connected to the bus and also to peripheral units. See col. 1 line 11+. The interface units generate messages in the form of digital data packets. Dais does not expressly show the interface unit to be within a housing and have different shaped coupling means for coupling to the bus, and the peripheral.

In an analogous art, Omori shows an interface adapter which connects a circuit board **1** to a bus **19a**. The interface adapter includes processing elements **16** and **17** and includes connector means which have different shaped couplers as claimed, to

provide connection and improvement of the IC card.

The examiner takes note that a perfusion device is a well known medical instrument that would have fallen under the medical application taught by Dais.

Therefore, it would have been obvious to one of ordinary skill in the art at the
5 time of the invention to have utilized an interface unit in the shape of Omori in the Dais
system in order to provide connection and improvement to the peripheral unit of Dais.

REMARKS

Response to Arguments.

10 The following discussion is introduced in direct response to the arguments
presented in the instant amendment:

3. The applicant believes that the claimed invention differs from the prior art of
record for the following reasons:

15 a. The applicant argues that Dais does not teach or suggest an adapter pod for
use in a medical perfusion system. The applicant argues that Dais solely directed to
structuring messages. The applicant argues that Dias does not teach an adapter pod
having a common connector connected to a network connector a having a connector
configuration.

20 b. The applicant argues that Omori does not teach or suggest generating
messages in the form of digital data packets. The applicant continues by arguing that

Omori does not teach or suggest the use of the adapter in a medical perfusion network.

4. Regarding the applicants arguments the examiner points out the following:

a. In the Office Action Rejection of 2/11/2000 the examiner pointed out "Dais

5 does not expressly show the interface unit to be within a housing (pod) and have different shaped coupling means for coupling to the bus, and the peripheral." The

rejection then continues to present Omori for teaching an interface adapter including connector means which have different shaped couplers as claimed, to provide

connection and improvement for the IC card. In response to applicant's arguments

10 against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references.

See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800

F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The applicant's arguments that Dais is

solely directed to structuring messages, the applicant is completely ignoring the

15 specification of Dais and fails to consider the reference as a whole as required. To so

limit the "teachings" of Dais would in effect ignore the background of Dais which

discusses the operation of their system on a serial bus network, and briefly how the

network is set up, see figures 6 and 7.

b. Here again the applicant is arguing the references separately. Omori was not

20 cited for teaching generation of messages in the form of digital data packets. As

discussed in great detail above, Dais is cited for teaching an interface between a

module and a network which generates messages in the form of digital data packets.

Furthermore, it has been shown above that Dais suggests the use of a serial communication system in a medical application, see col. 1 line 11+. The examiner further took official notice that a profusion device is a well known medical instrument
5 that would have fallen under the medical application taught by Dais.

Accordingly, **THIS ACTION IS MADE FINAL.** See M.P.E.P. § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 C.F.R.

10 § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT
15 MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE
20 MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

09/030989
2735

6

CONTACT INFORMATION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Zimmerman whose telephone number is (703) 305-4796.

- 5 Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.


Brian Zimmerman
Patent Examiner
Art Unit 2735

10

703-305-4796
July 28, 2000